NW/S Island View Road, 1200 ft. \* ZONING COMMISSIONER

+/- SW of c/l Barrison Pt. Rd. 2506 Island View Road \* OF BALTIMORE COUNTY 15th Election District 5th Councilmanic District \* Case No. 94-15-A

Elizabeth Skarda, Petitioner \*

\* \* \* \* \* \* \* \* \* \* \* FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Elizabeth Skarda for that property known as 2506 Island View Road in the Barrison Point subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 42 ft., in lieu of the required 50 ft., for an addition, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

1A04 3 B.3 TO PERMIT A SIDEYARD SET BACK OF 42 PT. IN

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

2 WE ARE CURRENTLY AT 50' SET BACK AND WOULD LIKE TO

Property is to be posted and advertised as prescribed by Zoning Regulations.

If or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

1. DUE TO THE LOCATION OF OUR HOME THE ONLY WAY TO

hereto and made a part hereof, hereby petition for a Variance from Section(s)

EXPAND IS TO BUILD ON TO THE SIDE.

LIEU OF THE REQUIRED 50 PT.

ENLARGE BY 8!

(Type or Print Name)

for the property located at 2506 Stand View RD 21221
which is presently sensed RC5

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to ensure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number. movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulaand for the reasons given above, the requested variance should be

more County this 18 day of August, 1993 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 42 ft., in lieu of the required 50 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated August 4, 1993, attached hereto and made a part thereof.

> > -3-

LES/mmn

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Balti-

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> Zoning Commissioner for Baltimore County

## DESCRIPTION

74-15-A

ZONING DESCRIPTION FOR 2506		
Election District 15	(address) Councilmanic District 5	

Beginning at a point on the NORTH WEST

(north, south, east or west) which is 30' (street on which property fronts) (number of feet of right-of way width) wide at a distance of  $1200 \pm 500$ TH  $\sqrt{EST}$  of (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street BARRISON POINT (1)

which is 30 (number of feet of right-of-way width) wide. \*Being Lot # 16-17

Block Nord C, Section # B in the subdivision of BARRISON POINT

Book # W.PC. 8 , Folio # 82 22,2/60 . STACRES (square feet and acres)

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 17, 1993

Ms. Elizabeth Skarda 2506 Island View Road Baltimore, Maryland 21221

> RE: Petition for Administrative Zoning Variance Case No. 94-15-A Property: 2506 Island View Road

Dear Ms. Skarda:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn encl.

Printed on Recycled Paper

Fliraboth Skorde Location of property: 2506 Island flow Rd., NW/s 1700'+ SW/ Bernios FT.R. Location of signer Facing road way on proporty of Politicari

94-15-A

RITI

Zoning Administration Development Management

Date 7-12-93 " ELIZABETH SKARDA

2506 ISLAND VIEW RA BA40. MD. 21221

010 \_ VARIANCE \_ \$ 5000 080 \_\_ 716N ---- \$ 35.00

33A03HO4PCHICHRC

REVIEWED BY: R.F. DATE 7-12-93
ESTIMATED POSTING DATE: 8-1-93

ITEM #: \_\_\_\_\_\_\_\_\_

2506 /5/and View Ro. 681-68934

Bulfo-Ms 21221

2521 BARRISON P. RD 574-2094 Address 21221 Prono No.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Patition.

ELIZABETH SKARDA

JAMES GRACE

ted and/or found to be required, it is ordered: by the Zoning Commissioner of Battimore County, this \_\_\_\_\_day of \_\_\_\_\_\_

hat the subject matter of this petition be set for a public hearing , advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affant(s) and that Affant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 2504 | SLAND VIEW RD

That based upon personal knowledge, the following are the facts upon which l/we base the request for an Administrativ 1. DUE TO THE LOCATION OF OUR EXISTING HOME THE ONLY WAY TO EXPAND IS TO THE SIDE.

2. WE ARE CURRENTLY AT 50 FT. SIDE YARD SET BACK AND MOULD LIKE TO ENLARGE BY 8'

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Elevabeth Sparda ELIZABETH SKARDA

ELIZABETH SKARDA

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. 6-23-93 anne Oleva

**MOTARY PUBLIC STATE OF MARYLAND** 

Baltimore County Government Office of Zoning Administration and Development Management

August 6, 1993

Ms. Elizabeth Skarda 2506 Island View Road Baltimore, Maryland 21221

> RE: Case No. 94-15-A, Item No. 17 Patitioner: Elizabeth Skarda Petition for Administrative Variance

(410) 887-3353

Dear Ms. Skarda:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 12, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

7 1293

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Re: Baltimore County Item No.:  $\chi / 7 (1.7)$ 

Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief

**Engineering Access Permits** 

My telephone number is \_\_\_

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration and Development Management

Item Nos. 17, 23 and 27.

DATE: July 23, 1993

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.17/ZAC1

**Baltimore County Government** Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

12 Come

JUL 27 1993

NOTICE OF CASE NUMBER ASSIGNMENT

Elizabeth Skarda

Baltimore, Maryland 21221 CASE NUMBER: 94-15-A (Item 17)

2506 Island View Road

NH/S Island View Road, 1200'+/- SW of c/l Barrison Point Road 15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

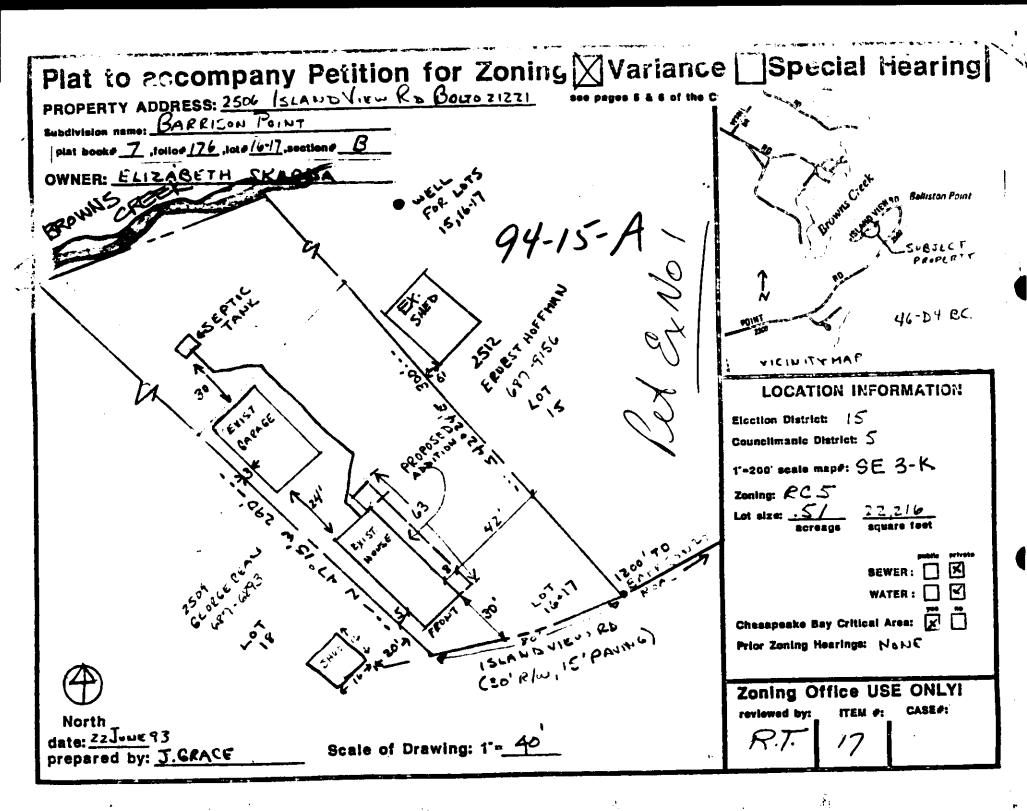
1) Your property will be posted on or before August 1, 1993. The closing date (August 16, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

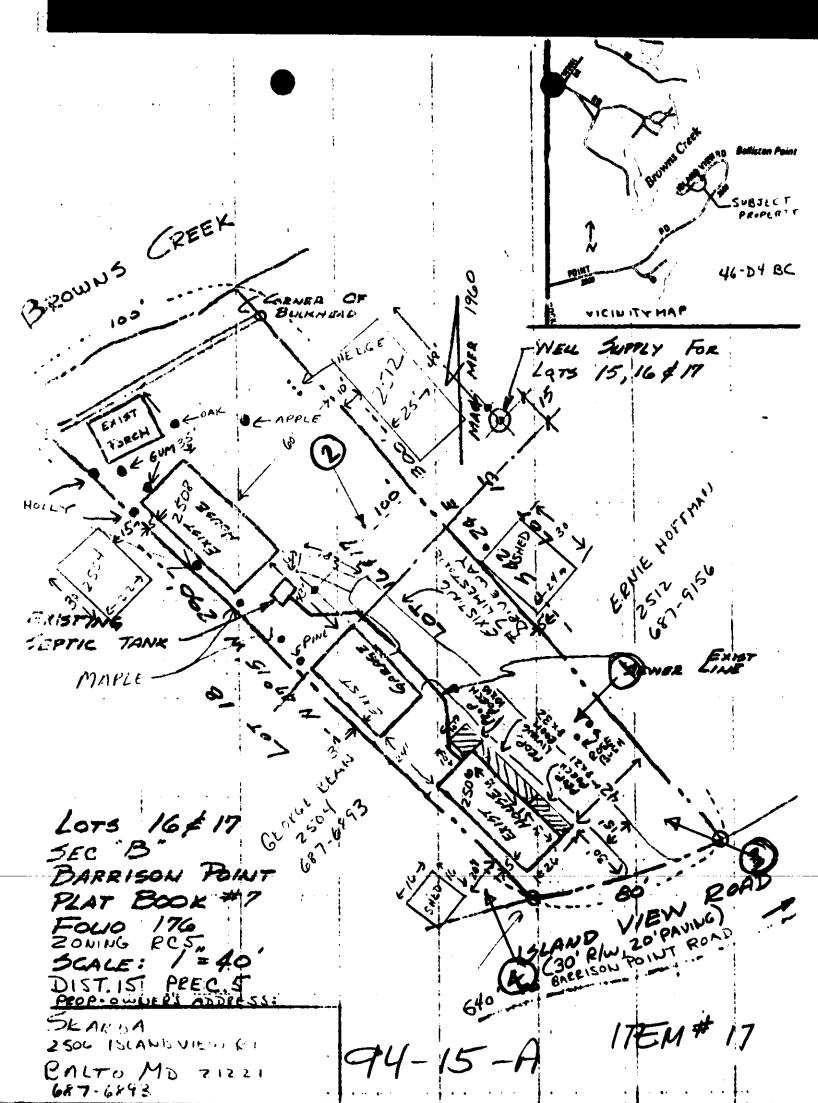
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Pailure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Printed on Recycled Paper





BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

August 4, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #17

Skarda Property, 2506 Island View Road Zoning Advisory Committee Meeting of July 26, 1993

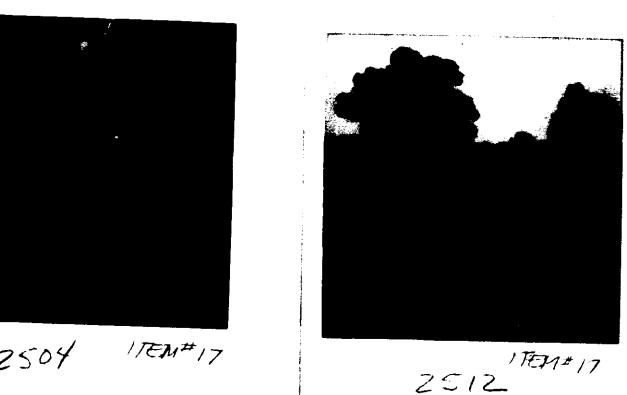
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

1. Development of the property must comply with the Chesapeake Bay Critical Area Regulations. This property is located in the LDA of

2. This property may be subject to Water Conservation methods prior to building permit. Applicant may contact Thomas Ernst of Ground Water Management at 887-2762 for further information.

SKARDA/DCSBP

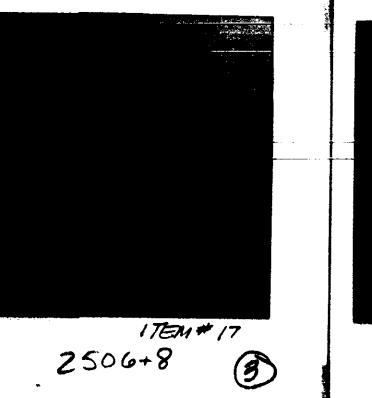
74-15-A

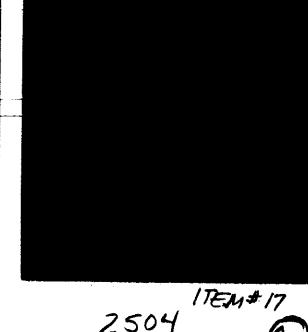


74-15-A 17EM#17

2506

2506





2504

1

